

**REMARKS**

After entry of the above amendments, claims 12-17 will be pending in the present application. New claims 12-17 have been added. Support for the new claims can be found, for instance, in the claims as originally filed and in the specification. Claims 1-11 have been cancelled. Applicant reserves the right to pursue any cancelled claim in a continuation application. No new matter has been added.

**§ 102 / § 103 Rejections**

Previously pending claims 1 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,991,875 to Paul. Previously pending claims 2-5 and 7-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul in view of U.S. Patent No. 6,961,791 to Cepulis.

Paul is directed to “a portable, configuration card that stores software in memory, which, upon insertion into an audiovisual device, enables a processor in the device to configure the device in accordance with the user’s configuration preferences” (col. 1, lns. 5-9 of Paul). Cepulis is directed to “configuring add-in cards and devices using a centralized, integrated configuration process” (col. 1, lns. 20-21 of Cepulis).

Neither Paul nor Cepulis, disclose, teach, or suggest “a data storage device in communication with the configuration mechanism, the data storage device comprising a first partition including a first operating system and a second partition including a second operating system, wherein, in response to initiation of a boot process, the computer system first boots to the second partition to execute the second operating system which causes the first operating system

in the first partition to be customized according to the configuration parameters stored in the configuration mechanism, and wherein, upon completion of the customization of the first operating system, the computer system boots to the first partition and executes the first operating system,” as recited in claim 12. Therefore, even if Paul were combined with Cepulis, the combination would neither teach nor suggest all of the elements of claim 12.

Accordingly, based at least on the reasons above, Applicant respectfully submits that claim 12, and the claims that depend therefrom, are patentable over Paul in view of Cepulis.

#### Double Patenting Rejections

Applicant wishes to thank the Examiner for speaking with the Applicant’s attorney on several occasions regarding the provisional double patenting rejections.

Previously pending claims 1-11 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 4-5 and 7-10 of U.S. Patent Application No. 10/748,431, claims 1-2 and 4-5 of U.S. Patent Application No. 10/748,937, and claims 6, 8, and 10-11 of U.S. Patent Application No. 10/748,898.

A terminal disclaimer is being filed herewith with respect to commonly-owned U.S. Patent Application No. 10/748,431, which as issued as U.S. Patent No. 7,107,443.

New claims 12-17 recite “a data storage device in communication with the configuration mechanism, the data storage device comprising a first partition including a first operating system and a second partition including a second operating system, wherein, in response to initiation of a boot process, the computer system first boots to the second partition to execute the second

operating system which causes the first operating system in the first partition to be customized according to the configuration parameters stored in the configuration mechanism, and wherein, upon completion of the customization of the first operating system, the computer system boots to the first partition and executes the first operating system," which makes them patentably distinct from claims 1-2 and 4-5 of U.S. Patent Application No. 10/748,937 and claims 6, 8, and 10-11 of U.S. Patent Application No. 10/748,898.

Accordingly, based at least on the reasons above, Applicant respectfully submits that the provisional double-patenting rejections have been overcome.

### **CONCLUSION**

On the basis of the above remarks, reconsideration and allowance of the claims is believed to be warranted and such action is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,  
SAWYER LAW GROUP LLP

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